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IN THE
COURT OF APPEALS OF INDIANA

DAVID FISCHER,	)	
	)	
Appellant-Respondent,	)	
	)	
vs.	)	No. 45A03-0801-CV-8
	)	
LISA D. FISCHER,	)	
	)	
Appellee-Petitioner.	)	

APPEAL FROM THE LAKE SUPERIOR COURT
The Honorable Nanette K. Raduenz, Special Judge
Cause No. 45D03-0701-DR-00028

July 28, 2008

MEMORANDUM DECISION – NOT FOR PUBLICATION

MATHIAS, Judge

David Fischer ("Father") appeals the Lake Superior Court's award of rehabilitative spousal maintenance in the dissolution of his marriage to Lisa Fischer ("Mother"). Upon appeal, Father presents three issues, which we restate as:

I. Whether the rehabilitative maintenance ordered by the trial court is actually impermissible alimony;

II. Whether the trial court's findings of fact are clearly erroneous; and

III. Whether the trial court abused its discretion in awarding rehabilitative maintenance for a period of three years.

We affirm.

Discussion and Decision

Father and Mother were married on June 23, 1984. At the time of their marriage, both Father and Mother worked at Leemar Steel, each making approximately $250 per week. Father had a high school education and had completed between two and one-half and three years of college. Mother had completed eighth grade, but did not complete ninth grade. After the marriage, Mother left her employment at Leemar Steel and began to work for TW Grogan. In November of 1990, Mother became pregnant and left her employment about five months into her pregnancy. In August of 1991, Mother gave birth to a girl, N.F. ("Daughter") who is the only child of the marriage.

After Daughter's birth, Mother became a stay-at-home mother. Father continued to work for Leemar Steel until 1994, when the company was sold. In 1995, Father and Mother moved to northwestern Indiana, where Father had found employment with L.B. Steel. When L.B. Steel was purchased by another company, Father continued to work for them in Bourbannaise, Illinois. When that company went out of business, Father began

to work for IM Steel. At the time of the dissolution hearing, Father was a Vice-President at IM Steel, and earned over $250,000 per year.[1] In contrast, after Daughter's birth, Mother had a six-month temporary job at a medical office and worked part-time at Sam's Club for two years. Mother tried to earn her GED, but failed. By the time of the final hearing, Mother had enrolled at Everest College in order to become a medical assistant. As a medical assistant, Mother expected to earn between $12 to $15 per hour.

On February 7, 2006, Mother filed a petition for the dissolution of her marriage. The court held hearings on the matter on May 14, May 15, and August 30, 2007. On July 27, 2007, after the May 14 and 15 hearings, but before the final hearing on August 30, Father filed a complaint in Ohio seeking to have an Ohio court find that, prior to her marriage to Father, Mother had a common-law marriage with another man. Father's theory was that if Mother had been in a common-law marriage in Ohio and if Mother had not had that marriage dissolved prior to her marriage with Father, then the parties' marriage was void. On August 30, 2007, Mother filed a motion with the trial court seeking an injunction to stay the proceedings in Ohio and requesting for attorney fees so that Mother could contest the matter in Ohio. The trial court denied both requests on grounds that it was without jurisdiction to stay a proceeding in Ohio or order attorney fees for a case being heard in Ohio. Upon being informed of this pending Ohio action, the trial court adjourned the dissolution hearing and stayed the case, because the trial

[1] Husband's base salary was approximately $150,000 per year, plus commissions which were calculated as fifteen percent of the company's monthly profits. Thus, in 2004, Husband earned $334,409, and in 2005, Husband earned $292,551. Although his income dropped to $215,206 in 2006, Husband testified that he expected to earn about $300,000 in 2007.

court "ha[d] no inclination to spend more time on a matter that may be moot." Appellant's App. p. 13. Father then stipulated that, regardless of the outcome of the Ohio case, the trial court had jurisdiction to decide the issues before it.

On December 6, 2007, per Mother's earlier motion under Indiana Trial Rule 52(A), the trial court issued specific findings of fact and conclusions of law. In its findings, the trial court ordered that Mother and Father were to share joint legal custody of Daughter, with Mother having primary physical custody. The trial court awarded Mother 65% and Father 35% of the net marital estate. The trial court also granted Mother's request for rehabilitative maintenance, finding in relevant part:

> 52. Mother's request for rehabilitative maintenance is GRANTED based on the Court's consideration of the factors set out in I.C. 31-15-7-2, subparagraph 3. The evidence indicates that:
>
> a. Father had three (3) years of college as of the date of filing. Mother completed eighth grade and had no other degree or special training as of the date of filing;
>
> b. Mother interrupted her full-time employment after the parties' marriage to be the primary homemak[er] and caretaker for the child. She had occasional part-time jobs, during the marriage, and was unemployed at the time of the hearing. She interrupted her career to raise the parties' child and perform her homemaking duties.
>
> c. Mother has limited earning power except for a minimum wage job. Although she may have, during the marriage, worked in the office for various doctors, and at one time worked on some computers, she will still require retraining on updated equipment. Father on the other hand is now a shareholder in a successful steel retail service company and earns over $250,000.00 per year, plus an automobile, gasoline, automobile insurance and hospital and medical benefits;

d. It will take time and expenses necessary for mother to acquire sufficient education or training to enable her to find appropriate employment.

53. Father shall pay the following as and for rehabilitative maintenance:

a. All of the bills and obligations at the marital residence as they fall due, including but not limited to the utilities, cable television, basic telephone, Internet service, pool and pool maintenance expenses. These are considered separate and apart from the mortgage, taxes and insurance payment Father has agreed to pay on the marital residence until the residence is sold. Once the marital residence is sold, and during this rehabilitative maintenance period, Father will continue to pay Mother's utilities, cable, television, basic telephone, and Internet service as long as the amount does not exceed the total sum Father paid for these same services before the sale of the marital residence.

b. A monthly stipend of $1,000.00 per month to Mother for a contribution toward her living expenses such as food, a car payment, gas, license fees and insurance expenses for her vehicle. The payment shall be made to Mother by the first of the month beginning in January 2008 and each month thereafter.

c. Father shall assume and pay all medical, necessary dental, hospital, optical and prescription expenses for Mother. Father shall make all efforts to have Mother covered under a COBRA insurance option if available at his place of employment. Father shall pay the COBRA payments as they fall due and any balance not covered by insurance. Mother shall comply with the terms of the COBRA policy in particular use of the covered providers.

54. The rehabilitative maintenance payments shall terminate upon the death of Mother, the remarriage of Mother, or the expiration of thirty-six (36) months after the date of the Dissolution Decree, whichever event occurs first. Further, these periodic payments shall qualify as separate maintenance for tax purposes.

55. From the evidence presented, Mother may have enrolled in a course of study at a local college, but no evidence was presented that she has started classes or that she has actually paid for any class, or signed for a loan to pay for any class. Any order for reimbursement would be speculative. Father, based on the 65-35 split of the marital

> estate and the fact that her request for rehabilitative maintenance has been granted, Mother[’s] request for additional contribution to education costs is DENIED.
>
> * * *
>
> **THEREFORE, IT IS HEREBY ORDERED:**
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> * * *
>
> E. Mother’s request for rehabilitative maintenance is GRANTED and shall be paid by Father as set forth in this Order.

Appellant’s App. pp. 22-23, 25. Father now appeals.

I. Alimony or Rehabilitative Maintenance

Father first claims that the trial court’s order awarded Mother alimony, although deeming such as rehabilitative maintenance. In addressing this argument, we observe that we presume that trial courts know and follow the applicable law. Major v. OEC-Diasonics, Inc., 743 N.E.2d 276, 284 (Ind. Ct. App. 2001). In fact, “‘[t]he presumption that the trial court correctly applied the law in making an award of spousal maintenance is one of the strongest presumptions applicable to the consideration of a case on appeal.’” Augspurger v. Hudson, 802 N.E.2d 503, 508 (Ind. Ct. App. 2004) (quoting Fuehrer v. Fuehrer, 651 N.E.2d 1171, 1174 (Ind. Ct. App. 1995)).

Citing Benjamin v. Benjamin, 798 N.E.2d 881 (Ind. Ct. App. 2003), Father notes that the fact that the trial court referred to its award as “rehabilitative maintenance” is not controlling. In Benjamin, the court noted that “characterizing an award as maintenance does not make it so.” Id. at 888. We do not disagree with this. However, in Benjamin, the award at issue was a $400,000 judgment which represented the wife’s share of the marital estate; it was not an award of monthly payments for a period not to exceed the statutory limit of three years, as was awarded by the trial court in the present case.

Father also argues that several aspects of the trial court's award of rehabilitative maintenance indicate that the trial court's order actually awarded Mother alimony. Father first notes that the trial court ordered that the rehabilitative maintenance was to stop if Mother remarried and further notes that, under prior Indiana law, remarriage justified the automatic termination of alimony. This, according to Father, indicates that the trial court actually awarded alimony under the guise of rehabilitative maintenance. We disagree.

While remarriage may have justified termination of alimony under the relevant statute after 1949, prior versions of this statute provided that alimony was to be an award in gross which survived the death or remarriage of the wife. See Wilms v. Wilms, 157 Ind.App. 583, 585, 301 N.E.2d 249, 250-51 (1973). It was not until the statute was amended in 1949 that the alimony statute allowed trial courts to provide for the discontinuance or reduction of alimony at the death or remarriage of the wife. Id. Thus, the fact that the trial court here ordered the rehabilitative maintenance to Mother to terminate upon Mother's remarriage does not convince us that the award was actually alimony.

Furthermore, this court has specified various factors to be considered when determining whether periodic payments are in the nature of maintenance or a property settlement. See Brinkman v. Brinkman, 772 N.E.2d 441, 445 (Ind. Ct. App. 2002). Factors which tend to indicate an award of maintenance include: (1) designation of the award as "maintenance"; (2) provisions terminating payment upon the death of either party; (3) provisions for terminating payment upon remarriage; (4) that payments are to

be made from future income; (5) provisions calling for modification based upon future events; and (6) payment for an indefinite period of time. Id.

The fact that the trial court's order here provides that the payments terminate upon Mother's remarriage does not necessarily mean that an award is alimony; in fact, it could indicate that it was an award of maintenance. Since the presumption that the trial court correctly applied the law in making an award of spousal maintenance is one of the strongest presumptions we apply on appeal, see Augspurger, 802 N.E.2d at 508, we cannot say that the fact that the trial court ordered the maintenance to terminate if Mother remarried to be an indication that the trial court's award was actually alimony.

Father next argues that the trial court's award was actually alimony because the expenses included in the award of rehabilitative maintenance were not necessary for Mother to secure employment, but instead were what the trial court considered "just and proper," which was the standard used for awarding alimony. Contrary to Father's claims, the trial court's order here did not refer to such expenses as being "just and proper." Instead, the trial court considered all of the appropriate statutory factors and awarded rehabilitative maintenance pursuant to that statute.

Given the presumption that the trial court followed the applicable law and the fact that the trial court here made specific findings as to each consideration listed in the maintenance statute, and awarded maintenance pursuant to that statute, Father has not persuaded us that the rehabilitative maintenance ordered by the trial court was actually impermissible alimony.

II. Findings of Fact

Father next contends that several of the trial court's findings are clearly erroneous and unsupported by the evidence. Indiana Code section 31-15-7-1 (1998), requires findings in order to award maintenance, and the trial court entered such findings in the present case. See Cannon v. Cannon, 758 N.E.2d 524, 526 (Ind. 2001). We therefore treat the court's findings as special findings under Indiana Trial Rule 52(A)(3). See Cannon, 758 N.E.2d at 526. As such, we will not set aside the trial court's findings unless they are clearly erroneous, and we give due regard to the opportunity of the trial court to judge the credibility of the witnesses. Id. When reviewing the trial court's findings, we neither reweigh the evidence nor reassess the credibility of witnesses. Augspurger, 802 N.E.2d at 509.

A. *Mother's Unemployment*

Father first attacks the finding of the trial court that "[b]y mutual agreement [of Mother and Father], Mother eventually quit her job[.]" Appellant's App. p. 19. Father claims that this finding is erroneous "or, at least, leaves an erroneous impression." Br. of Appellant at 23. Father refers to the evidence which supports his position, something our standard of review precludes us from doing. Moreover, Father admits that, at least until 1995, both he and Mother agreed that she should not work outside the home. The trial court's finding refers to Mother's decision to quit her job at Leemar Steel after she and Father met in the mid 1980s. We fail to see how the fact that Father now claims that, after 1995, he wanted Mother to work outside the home somehow makes the trial court's finding erroneous.

B. *Identity of Father's Employer*

Father next attacks the trial court's findings that he "continued to work at Leemar Steel," that he has "stayed with the same company to date," and that Leemar Steel eventually became known as "IM Steel." Appellant's App. p. 19. According to Father, he originally worked for Leemar Steel, but this company was sold, and he had to secure employment with another company, which was also sold. Only later did he become employed by IM Steel. It does appear that Father is correct that the evidence does not support the trial court's findings with regard to the identity of his employer. However, we fail to understand how this error undercuts in any way the trial court's ultimate decision to award rehabilitative maintenance to Mother. The fact remains that while Mother quit her job to raise the parties' child, Father maintained a successful career in the steel industry, ultimately becoming a vice president at his current employer.

C. *Mother's Earning Capacity*

The trial court found that "Mother has limited earning power except for a minimum wage job." Appellant's App. p. 22. Father now claims that this finding is clearly erroneous because the evidence was undisputed that, thirty-three years ago, Mother earned $5.00 per hour, and there was no evidence produced regarding her pay when she held a temporary job at a medical office or when she worked part time at Sam's Club. We disagree. The evidence is clear that, since Mother left her job at Leemar Steel in 1984, she has worked only sporadically and only in temporary and/or part-time positions. Given that Mother did not graduate from high school and failed the exam to earn her GED, the trial court could reasonably infer that that Mother's earning capacity

will be limited to minimum wage. Moreover, even if Mother will be able to earn more than minimum wage, there is no indication that her earning capacity will even approach that of Father.

D. *Mother's Training Program*

Father next complains that the trial court erred when it found that "Mother may have enrolled in a course of study at a local college, but no evidence was presented that she has started classes[.]" Appellant's App. p. 23. Father is correct that there was evidence indicating that Mother had, by the time of the final hearing, already started classes to earn her medical assistant certificate. However, Father again fails to explain how this relates to the trial court's ultimate decision to award rehabilitative maintenance. Indeed, this finding was made in order to deny Mother's request that Father contribute to the cost of her education.

E. *Mother's Career*

Father claims that the trial court erred when it found that Mother "interrupted her career to raise the parties' child and perform her homemaking duties." Appellant's App. p. 22. Father does not deny that Mother quit her job to raise their child. Instead, he quibbles that Mother's employment history cannot properly be called a "career." Suffice it to say that we will not reverse the trial court's order simply because Father believes that the trial court should have used different terms to describe Mother's employment history. More importantly, Father again fails to explain how, even if we were to consider this choice of words to be error, this would affect the trial court's ultimate decision to award Mother rehabilitative maintenance.

F. *Mother's Employment History*

Father next claims that the trial court erred when it found that Mother had "occasional part-time jobs, during the marriage, and was unemployed at the time of the hearing." Appellant's App. p. 22. Father admits that Mother testified that she held only part-time employment at Sam's Club, but claims that there was no evidence that her other jobs were only part time. Although there was no indication that Mother's job at the medical office was part-time, there was evidence that this job was only temporary. Father also admits that Mother was unemployed, but claims that she was voluntarily unemployed because she quit her job at Sam's Club. Although Mother testified that she quit her job at Sam's Club, Father fails to mention that Mother testified that both she and Father decided that she would quit Sam's Club because the job was physically difficult for Mother and because her job required Father to stay at home with Daughter on weekends instead of playing golf, which was his pastime. And once again, Father fails to explain how any claimed error supports his claim that the rehabilitative maintenance ordered by the trial court is improper.

G. *Findings Regarding Proceedings in Ohio*

Father next attacks several findings of the trial court which relate to the proceedings Father had initiated in Ohio. Upon appeal, Father acknowledges that the Ohio proceedings are "not appropriate considerations as to an award of maintenance," but claims that "it is impossible to determine whether the trial court's findings relating to the Ohio matter influenced its award of rehabilitative maintenance." Br. of Appellant at 29. We strongly disagree. Father suggests that the trial court ignored or failed to follow the

law simply because the court seemed to be less than pleased with Father's eleventh-hour attempt to get his marriage with Mother declared void. But other than mere accusations, Father points to nothing which would suggest that the trial court failed to follow the appropriate statute in deciding to award Mother rehabilitative maintenance. Given the admitted irrelevance of the Ohio matter to the issue of the propriety of rehabilitative maintenance, we fail to see how any error in the trial court's findings regarding the Ohio matter could bear on the court's ultimate decision to award rehabilitative maintenance to Mother.

In addition, we see no reversible error in the trial court's findings regarding the Ohio proceeding. Father claims that the trial court erred when it found that, on the last day of the hearing, "[o]n the record, but before resuming the hearing on the petition for dissolution, Mother, by counsel, advised the court that Mother had recently been served with notice of pleadings Father had filed in the State of Ohio." Appellant's App. p. 12. Father claims that this finding is erroneous because the trial court had actually been notified of the Ohio suit when Mother filed her motion for an injunction and attorney fees six days prior to the hearing. However, the trial court's finding does not deny that Mother had earlier filed a motion with regard to the Ohio matter; it simply states the fact that Mother's counsel did inform the trial court of the motion at the beginning of the last day of the hearing. Thus, this finding is simply not erroneous. Moreover, we fail to see how the question of when the trial court learned of the Ohio matter is relevant in any way to any of the issues currently presented.

We similarly reject Father's argument regarding the trial court's finding that Mother filed her motion with regard to the Ohio matter on August 30, 2007—the day of the final hearing. The record does indicate that this motion was actually filed on August 24, six days prior to the final hearing. However, to the extent that the trial court erred as to the date of the filing of the motion, we fail to see how this could have any bearing on the issues presently before us.

The trial court also found that Father presented no evidence to "indicate that Mother had a husband who was living when this marriage was solemnized." Appellant's App. p. 14. Husband claims that his "evidence" was his complaint which he had filed in an Ohio court. Complaints are not evidence. See Stein v. Yung, 475 N.E.2d 52, 55 (Ind. Ct. App. 1985) (pleadings are not evidence which the jury may consider), trans. denied; see also State v. Cleland, 477 N.E.2d 537, 538 (Ind. 1985) (noting general rule that averments in pleadings are considered self-serving declarations and as such are not admissible evidence).

Father lastly complains that the trial court erred in finding that Father raised the issue of the validity of the parties marriage on May 15, 2007, when the dissolution action had been pending since February 2006. Again, Father does not deny that the finding is technically correct, but he claims that it implies that the issue should have been raised previously. Father contends that he could not have raised this issue earlier because he had only recently learned that Mother may have been previously married but not divorced. Even if this were so, it does not make the trial court's finding erroneous. Moreover, inasmuch as Father now admits that the issues regarding the Ohio matter was

rendered moot by the parties' stipulation that the trial court should proceed to hear the current matter, we cannot say that the trial court's findings on this matter, even if we were to consider them erroneous, require reversal of the trial court's decision to award Mother rehabilitative maintenance.

III. Propriety of Rehabilitative Maintenance

Father claims that even if the trial court's award was not alimony, the findings which he claims are not clearly erroneous do not support the trial court's decision to award rehabilitative maintenance. Rehabilitative maintenance is governed by Indiana Code section 31-15-7-2 (1998). This section provides in relevant part:

> A court may make the following findings concerning maintenance:
>
> * * *
>
> (3) After considering:
>
> (A) the educational level of each spouse at the time of marriage and at the time the action is commenced;
>
> (B) whether an interruption in the education, training, or employment of a spouse who is seeking maintenance occurred during the marriage as a result of homemaking or child care responsibilities, or both;
>
> (C) the earning capacity of each spouse, including educational background, training, employment skills, work experience, and length of presence in or absence from the job market; and
>
> (D) the time and expense necessary to acquire sufficient education or training to enable the spouse who is seeking maintenance to find appropriate employment;
>
> a court may find that rehabilitative maintenance for the spouse seeking maintenance is necessary in an amount and for a period of time that the court considers appropriate, but not to exceed three (3) years from the date of the final decree.

The decision to award spousal maintenance is wholly within the discretion of the trial court, and we will reverse only when the decision is clearly against the logic and

effect of the facts and circumstances of the case. Augspurger, 802 N.E.2d at 508; Fuehrer, 651 N.E.2d at 1174.

The maintenance statute requires the trial court to consider four factors when deciding whether to award rehabilitative maintenance. First among these is "the educational level of each spouse at the time of marriage and at the time the action is commenced." I.C. § 31-15-7-2(3)(A). Here, the trial court found, and the evidence supports the finding, that Father had graduated from high school, and had attended college for approximately three years. In contrast, Mother had only completed eighth grade and had thus far been unable to earn even her GED.

Next, the statute requires that the trial court consider "whether an interruption in the education, training, or employment of a spouse who is seeking maintenance occurred during the marriage as a result of homemaking or child care responsibilities, or both." I.C. § 31-15-7-2(3)(B). Here, the trial court found, and the evidence supports the finding that Mother quit her job in order to raise the parties' Daughter and to be a homemaker. Although Mother may have had temporary and/or part-time employment, it does not compare to Father's successful career in the steel industry.

The next factor the statute requires the trial court to consider is "the earning capacity of each spouse, including educational background, training, employment skills, work experience, and length of presence in or absence from the job market." I.C. § 31-15-7-2(3)(C). Again, the trial court's findings in this regard support an award of rehabilitative maintenance. Father, who had a high school diploma and approximately three years of college education, was a successful vice-president of a steel company,

earning approximately $300,000 per year for the last several years. Mother, on the other hand, was a housewife with an eighth-grade education who had thus far been unable to earn her GED. Further, since quitting her job after the parties' marriage, Mother had only temporary or part-time employment consisting of entry-level jobs. Even with further training, Mother would be unlikely to find employment which would allow her to earn even close to what Father earns.

Lastly, the statute requires the trial court to consider "the time and expense necessary to acquire sufficient education or training to enable the spouse who is seeking maintenance to find appropriate employment." I.C. § 31-15-7-2(3)(D). The trial court here found that "it will take time and expenses necessary for Mother to acquire sufficient education or training to enable her to find appropriate employment." Appellant's App. p. 23. This finding is supported by the evidence. Mother had a sporadic history of temporary or part-time employment and had little educational or vocational training. The trial court therefore found that Mother will need both time and financial support while she secures the education or training which will enable her to support herself.

After listing the required considerations, the statute then provides that the trial court "may find that rehabilitative maintenance for the spouse seeking maintenance is necessary in an amount and for a period of time that the court considers appropriate, but not to exceed three (3) years from the date of the final decree." I.C. § 31-15-7-2(3). Here, the trial court considered the appropriate factors in its findings—all four of which support an award of rehabilitative maintenance: the difference in Mother and Father's educational levels, the interruption in Mother's employment history to take care of the

parties' child, the difference between the parties' earning capacity, and the time it will take Mother to acquire the education or training necessary to find appropriate employment. After considering these factors, the trial court ordered Father to pay rehabilitative maintenance. Under these facts and circumstances, the trial court was well within its discretion to do so.

Father further claims, however, that even if the trial court could have properly awarded some rehabilitative maintenance, the maintenance awarded by the trial court here was improper in both duration and in scope. In support of his argument, Father notes that the maintenance statute calls for the trial court to consider "the time and expense necessary to acquire sufficient education or training to enable the spouse who is seeking maintenance to find appropriate employment." I.C. § 31-15-7-2(3)(D). Father therefore claims that the trial court's award of maintenance could properly include only those expenses "necessary" for Mother to complete her education or training and then only for the period it would take Mother to complete such education or training.

Father argues that the expenses included in the trial court's award of maintenance, such as the expenses related to the marital residence, Mother's healthcare and COBRA expenses, and a monthly stipend of $1,000 are not necessary for Mother's education or training. Similarly, Father notes that Mother testified that her training will take eight months, whereas the trial court ordered rehabilitative maintenance for a period of three years. For several reasons, we do not agree with Father's argument.

Initially, we do not agree with Father's restrictive reading of the statute. The statute requires the trial court to *consider* "the time expense necessary to acquire

sufficient education or training to enable the spouse who is seeking maintenance to find appropriate employment." I.C. § 31-15-7-2(3)(D). After considering this and the other statutory factors, the statute then provides that the trial court "may find that rehabilitative maintenance for the spouse seeking maintenance is necessary *in an amount and for a period of time that the court considers appropriate*." I.C. § 31-15-7-2(3) (emphasis added). Thus, there is no statutory requirement that the maintenance expenses be limited only to those necessary for the receiving spouse's education or training or that the maintenance last only so long as the receiving spouse acquires education or training. Instead, the statute allows the trial court to award maintenance in an amount and for a period of time that the court considers appropriate but no longer than three years.

Furthermore, even if Mother completes her training program within eight months and begins to earn the $12 to $15 per hour she hoped, this does not mean that an award of maintenance which exceeds eight months is necessarily inappropriate. The additional financial security afforded by the rehabilitative maintenance will allow Mother the time necessary to not only complete her training, but also to find stable employment. Given the vast differences between the parties' educational levels, employment history, and earning capacity, we cannot say that the trial court's decision to award Mother three years of rehabilitative maintenance is improper.

The trial court's award of rehabilitative maintenance includes expenses related to the marital residence, such as pool expenses, utilities, cable television, internet, and basic telephone services. As explained, such expenses need not be necessary for Mother's education or training. They need only be appropriate given the statutory considerations

the trial court is required to consider. We certainly cannot fault the trial court for including such expenses in the award of rehabilitative maintenance. The same is true for Father's arguments regarding Mother's healthcare expenses and the monthly stipend. Whether or not these expenses are absolutely necessary for Mother's education or training is not the question. The trial court, in its discretion, determined that these expenses were appropriate. Given the vast differences in income, education, and earning capacity between Mother and Father, we cannot say that the trial court abused its discretion in either the duration or the amount of the rehabilitative maintenance it awarded to Mother.

Conclusion

We presume that trial courts know and follow the applicable law. The trial court here awarded Mother rehabilitative maintenance pursuant to the applicable statute, and Father has not convinced us that the award was, in actuality, an award of alimony. The majority of the trial court's findings are not clearly erroneous, and those that are, or arguably could be, in error, do not affect the trial court's ultimate decision to award rehabilitative maintenance. Lastly, the trial court did not abuse its broad discretion in either the duration or the amount of the rehabilitative maintenance it awarded to Mother.

Affirmed.

MAY, J., and VAIDIK, J., concur.